(14)

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No. 88-2102

In The

Supreme Court of the United States

October Term, 1989

JAMES STEWART, PATRICIA HITCHCOCK O'CONNELL and SAMUEL TAYLOR both as co-trustees of the Second Residuary Trust of the Last Will of ALFRED H. HITCHCOCK, MCA INC., and UNIVERSAL FILM EXCHANGES, INC.,

Petitioner,

vs.

SHELDON ABEND, dba
AUTHORS RESEARCH COMPANY,

Respondent.

SUPPLEMENTAL BRIEF BY RESPONDENT

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January 1990

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Pursuant to Rule 36.5 of this Court's Rules, respondent submits this supplemental brief to advise the Court that the treatise *Nimmer on Copyright* was just updated to include an extensive discussion of the Ninth Circuit Court of Appeals' decision in this case. 1 M. & D. Nimmer, *Nimmer on Copyright* § 3.06[A][3]. This treatise concludes that the Ninth Circuit's decision was correct.

The recent update of *Nimmer on Copyright* was received by respondent's counsel within the last week and, as a result, was not available in time to be included in respondent's brief in chief.

Dated: January 3, 1990

Respectfully submitted,

PETER J. ANDERSON
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